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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKEHIKO TOJO, ET AL. : EXAMINER: VENKAT, J.
SERIAL NO: 10/562,977 :
FILED: DECEMBER 29, 2005 : GROUP ART UNIT: 1619
FOR: HAIR HOLDER :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated June 26, 2009, Applicants elect Group I, listed in the Requirement as readable on Claims 1-5 and 7-16. **Claims 18-21 have not been treated in the Requirement**, and Applicants also elect these claims and respectfully submit that these claims all depend from one of the claims from Group I and should be examined with that group.

Applicants respectfully submit that Claim 17 should have been included in Group I above inasmuch as Claim 17 requires "providing the hair holder according to claim 13."

MPEP § 1850 quotes PCT 13.4 as follows:

DEPENDENT CLAIMS

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

Thus, as Claim 17 requires all the features of Claim 13, which depends from Claim 1, Claim 17 should be included in Group I along with Claims 1-5 and 7-16.

Additionally, 37 CFR 1.475 states:

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; or

(2) **A product and a process of use of said product;** or

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) A process and an apparatus or means specifically designed for carrying out the said process; or

(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Process Claim 17 requires the features of Claim 13. Thus, Claim 17 should be examined with Group I in accordance with section (b)(2) above.

Applicants respectfully traverse the Requirement for the following additional reason.

MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Therefore, an action on all of Claims 1-21 is earnestly solicited.

The present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Chinn, Ph.D.
Attorney of Record
Registration No. 34,305

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Lee L. Stepina
Registration No. 56,837